

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
 :
 : Case No. 2:10 CR 122
 :
v. :
 :
RAUL SURIEL :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed November 4, 2011. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

The motion to vacate (doc. 65) under 28 U.S.C. § 2255 is **GRANTED**.

Dated at Burlington, in the District of Vermont, this 7th day of November, 2011.

/s/William K. Sessions III
William K. Sessions III
U.S. District Court Judge

